

AMENDED IN SENATE MARCH 17, 2011

**SENATE BILL**

**No. 298**

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**Introduced by Senator De León**

February 14, 2011

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~~An act to amend Section 30.5 of the Education Code, relating to bilingual education. An act to amend Section 1 of Chapter 58 of the Statutes of 1997, relating to charter schools.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 298, as amended, De León. ~~Bilingual education. Charter schools: at-risk pupils: county board of education.~~

(1) Existing law allows a charter school that serves at-risk pupils and operates under a charter approved before June 1, 1997, by the Los Angeles County Board of Education to operate until June 30, 2013. The existing statute requires the approval of the county board of education for the specified charter school or schools to continue operating after June 30, 2008.

This bill would instead allow the specified charter school or schools to operate until June 30, 2028, subject to the approval of the county board of education for continued operation after June 30, 2013.

(2) The existing statute requires that the specified charter school or schools receive funding for the attendance of pupils for each fiscal year up to and including the 2012–13 fiscal year at the same rates as community schools and community day schools in the same county.

This bill would extend that provision to also cover the attendance of pupils in the 2012–13 to 2027–28 fiscal years, inclusive.

(3) This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Los Angeles.

~~Existing law establishes English as the basic language of instruction in all schools. Existing law defines bilingual education as a system of instruction which builds upon the language skills of a pupil whose primary language is neither English nor derived from English.~~

~~This bill would make technical, nonsubstantive changes to those provisions relating to bilingual education.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 1 of Chapter 58 of the Statutes of 1997,*  
2     *as amended by Section 1 of Chapter 525 of the Statutes of 2007,*  
3     *is amended to read:*

4     Section 1. (a) A charter school operating under a charter  
5     approved before June 1, 1997, by the county board of education  
6     of a county of the first class to serve at-risk pupils, may operate  
7     until June 30, ~~2013~~ 2028. The continuation of the authority of a  
8     charter school to operate pursuant to this subdivision after June  
9     30, ~~2008~~ 2013, shall be subject to the approval of that county board  
10    of education.

11    (b) Notwithstanding any other provisions of the Education Code,  
12    except as set forth in subdivision (c), for the ~~2007–08 to 2012–13~~  
13    ~~2012–13 to 2027–28~~ fiscal years, inclusive, the attendance of pupils  
14    in a charter school to which this section applies shall be funded at  
15    the same rates for the same categories of pupils as community  
16    schools and community day schools in the same county.

17    (c) A charter school operated pursuant to subdivision (a) may,  
18    if its charter so provides, operate one or more community day  
19    schools in compliance with Article 3 (commencing with Section  
20    48660) of Chapter 4 of Part 27 of *Division 4 of Title 2* of the  
21    Education Code, except for compliance with the employment  
22    requirements in subdivision (a) of Section 48663 and subdivision  
23    (c) of Section 48664 of the Education Code, and the funded average  
24    daily attendance limitations of paragraphs (1) and (2) of subdivision  
25    (a) of Section 48664 of the Education Code, and be funded for not  
26    more than 2,000 units of average daily attendance in any fiscal  
27    year, to the extent that funding is appropriated therefor, pursuant  
28    to subdivision (a) of Section 48664 of the Education Code, as if  
29    it were a community day school operated by a county. The average

1 daily attendance of a charter school operating pursuant to this  
2 section shall not be in addition to the average daily attendance  
3 limitation provided pursuant to subdivision (a) of Section 48664  
4 of the Education Code.

5 (d) A county board of education that has approved a charter  
6 school as set forth in subdivision (a) shall establish specific  
7 accountability criteria to annually measure the performance of the  
8 charter school. The county board of education shall annually report  
9 the measurement to the State Department of Education, the  
10 Department of Finance, the Assembly Committee on Education,  
11 the Assembly Committee on Appropriations, the Senate Committee  
12 on Education, and the Senate Committee on Appropriations. The  
13 accountability criteria shall comply with the alternative  
14 accountability system described by subdivision (h) of Section  
15 52052 of the Education Code.

16 (e) If a charter school does not comply with the performance  
17 criteria described in subdivision (d), the charter school shall submit  
18 to the county board of education a plan for improvement that is  
19 designed to enable the charter school to comply with the criteria  
20 within a time determined by the county board of education.

21 *SEC. 2. The Legislature finds and declares that a special law*  
22 *is necessary and that a general law cannot be made applicable*  
23 *within the meaning of Section 16 of Article IV of the California*  
24 *Constitution because of the unique circumstances resulting from*  
25 *the intensely urbanized nature of the County of Los Angeles.*

26 ~~SECTION 1. Section 30.5 of the Education Code is amended~~  
27 ~~to read:~~

28 ~~30.5. (a) Notwithstanding any other provision of law, bilingual~~  
29 ~~education means a system of instruction that builds upon the~~  
30 ~~language skills of a pupil whose primary language is neither~~  
31 ~~English nor derived from English. For purposes of this section:~~

32 ~~(1) "Primary language" means a language, other than English~~  
33 ~~or a language derived from English, which is the language the~~  
34 ~~pupil first learned.~~

35 ~~(2) "Derived from English" means a dialect, idiom, or language~~  
36 ~~derived from English. Both of the following shall be construed as~~  
37 ~~being derived from English:~~

38 ~~(A) A dialect, idiom, or language that has linguistic roots~~  
39 ~~connected to English.~~

1     ~~(B) A dialect, idiom, or language that has a syntax distinct from~~  
2     ~~English, and can be traced linguistically as derived from English.~~  
3     ~~(b) A school district shall not utilize, as part of a bilingual~~  
4     ~~education program, state funds or resources for the purpose of~~  
5     ~~recognition of, or instruction in, a dialect, idiom, or language~~  
6     ~~derived from English.~~